

1 A bill to be entitled
 2 An act relating to students with disabilities in
 3 public schools; amending s. 1003.573, F.S., relating
 4 to the use, prevention, and reduction of restraint and
 5 seclusion on students with disabilities; providing
 6 definitions; providing requirements for the use of
 7 physical restraint; prohibiting specified physical
 8 restraint techniques; providing requirements for the
 9 use of seclusion and time-out; providing for student-
 10 centered followup; providing requirements for
 11 documenting, reporting, and monitoring the use of
 12 physical restraint and seclusion; revising school
 13 district policies and procedures relating to physical
 14 restraint and seclusion; amending s. 1012.582, F.S.;
 15 requiring continuing education and inservice training
 16 for teaching students with emotional or behavioral
 17 disabilities; conforming provisions; providing an
 18 effective date.

19
 20 Be It Enacted by the Legislature of the State of Florida:

21
 22 Section 1. Section 1003.573, Florida Statutes, is amended
 23 to read:

24 1003.573 Use, prevention, and reduction of restraint and
 25 seclusion on students with disabilities in public schools.-

26 (1) DEFINITIONS.—As used in this section, the term:
 27 (a) "Behavioral protective equipment" means equipment used
 28 to prevent external or internal tissue damage caused by chronic
 29 self-injurious or self-stimulatory behavior.
 30 (b) "Department" means the Department of Education.
 31 (c) "Mechanical restraint" means the use of a physical
 32 device that restricts a student's freedom of movement. The term
 33 does not include the use of:
 34 1. Medical protective equipment.
 35 2. Behavioral protective equipment, including
 36 straitjackets, helmets, gloves, wraps, and other devices that
 37 are used temporarily to prevent severe tissue damage caused by
 38 behavioral excesses.
 39 3. Physical equipment or orthopedic appliances, surgical
 40 dressings or bandages, or supportive body bands or other
 41 restraints necessary for ongoing medical treatment in the
 42 educational setting.
 43 4. Devices used to support functional body position or
 44 proper balance, or to prevent a person from falling out of a bed
 45 or a wheelchair, except when such a device is used for a purpose
 46 other than supporting a body position or proper balance, such as
 47 coercion, discipline, convenience, or retaliation, to prevent
 48 imminent risk of serious injury or death of the student or
 49 others, or for any other behavior management reason.
 50 5. Equipment used for safety during transportation, such

51 as seatbelts or wheelchair tie-downs.

52 (d) "Medical protective equipment" means health-related
53 protective devices prescribed by a physician or dentist for use
54 as student protection in response to an existing medical
55 condition.

56 (e) "Physical restraint" means the use of manual restraint
57 techniques that involve significant physical force applied by a
58 teacher or other staff member to restrict the movement of all or
59 part of a student's body.

60 (f) "Prone restraint" means a student is lying face down.

61 (g) "Seclusion" means removing a student from an
62 educational environment and involuntarily confining the student
63 alone in a room or area. The term does not include the use of
64 time-out.

65 (h) "Student" means a student with a functional behavioral
66 assessment and an individualized behavior intervention plan.

67 (i) "Time-out" means a procedure in which access to varied
68 sources of reinforcement is removed or reduced for a particular
69 time period contingent on a response. In exclusionary time-out,
70 a student is contingently removed from the reinforcing
71 environment for a brief, stipulated duration. In nonexclusionary
72 time-out, a student remains in the environment, educational
73 activities are continued, and the reinforcer is contingently
74 removed for a brief, stipulated duration.

75 (2) PHYSICAL RESTRAINT.—

76 (a) Notwithstanding the authority provided in s. 1003.32,
77 physical restraint shall be used only to protect the safety of
78 students, school personnel, or others or prevent the destruction
79 of property and may not be used for student discipline, to
80 correct student noncompliance, or for the convenience of school
81 district staff. Physical restraint shall be used only for the
82 period needed to provide such protection or prevent the
83 destruction of property.

84 (b) The degree of force applied during physical restraint
85 must be only that degree of force necessary to protect the
86 student or others from bodily injury.

87 (c) School personnel who have received training that is
88 not associated with their employment with the school district,
89 such as a former law enforcement officer who is now a teacher,
90 shall receive training in the specific district-approved
91 techniques and may not apply techniques or procedures acquired
92 elsewhere.

93 (d) School personnel may not use any of the following
94 physical restraint techniques on a student:

95 1. Pain inducement to obtain compliance.

96 2. Bone locks.

97 3. Hyperextension of joints.

98 4. Peer restraint.

99 5. Pressure or weight on the chest, lungs, sternum,
100 diaphragm, back, or abdomen, causing chest compression.

101 6. Straddling or sitting on any part of the body or a
102 maneuver that places pressure, weight, or leverage on the neck
103 or throat, on an artery, or on the back of the student's head or
104 neck or that otherwise obstructs or restricts the circulation of
105 blood or obstructs an airway.

106 7. Any type of choking, including hand chokes, and any
107 type of neck or head hold.

108 8. A technique that involves spraying or pushing anything
109 on or into the student's mouth, nose, eyes, or any part of the
110 face or that involves covering the face or body with anything,
111 including soft objects such as pillows or washcloths.

112 9. A maneuver that involves punching, hitting, poking,
113 pinching, or shoving.

114 (e) Prone restraint, mechanical restraint, or physical
115 restraint should be used only when all other behavioral
116 strategies and intervention techniques have been exhausted.

117 (3) SECLUSION; TIME-OUT.-

118 (a) School personnel may only place a student in seclusion
119 when proper training and safeguards are in place. School
120 personnel may not close, lock, or physically block a student in
121 a room that is unlit and does not meet the rules of the State
122 Fire Marshal for seclusion time-out rooms.

123 (b) School personnel may place a student in exclusionary
124 time-out if the following conditions are met:

125 1. The exclusionary time-out is part of a positive

126 behavior intervention plan developed for the student from a
 127 functional behavioral assessment and referenced in the student's
 128 individual education plan.

129 2. There is documentation that the exclusionary time-out
 130 was preceded by the use of other positive behavioral supports
 131 that were not effective.

132 3. The exclusionary time-out takes place in a classroom or
 133 in another environment where educational class activities are
 134 available.

135 4. The student is observed on a constant basis by an adult
 136 for the duration of the exclusionary time-out.

137 5. The exclusionary time-out area and process are free of
 138 any action that is likely to embarrass or humiliate the student
 139 and threats or excessive physical force may not be used to
 140 implement time-out.

141 6. The exclusionary time-out area is not locked.

142 (4) STUDENT-CENTERED FOLLOWUP.-If a student is placed in
 143 exclusionary or nonexclusionary time-out, physically restrained
 144 or secluded more than twice during a semester, the school shall
 145 review the student's functional behavioral assessment and
 146 individualized behavior intervention plan.

147 (5)~~(1)~~ DOCUMENTATION AND REPORTING.-

148 (a) At the beginning of each school year, a school
 149 district shall publicly post its policies on all emergency
 150 procedures, including its policies on the use of physical

151 restraint and seclusion.

152 (b)~~(a)~~ A school shall prepare an incident report within 24
153 hours after a student is released from physical restraint or
154 seclusion. If the student's release occurs on a day before the
155 school closes for the weekend, a holiday, or another reason, the
156 incident report must be completed by the end of the school day
157 on the day the school reopens.

158 (c)~~(b)~~ The following must be included in the incident
159 report:

160 1. The name of the student physically restrained or
161 secluded.

162 2. The age, grade, ethnicity, and disability of the
163 student restrained or secluded.

164 3. The date and time of the event and the duration of the
165 restraint or seclusion.

166 4. The location at which the restraint or seclusion
167 occurred.

168 5. A description of the type of restraint used in terms
169 established by the department ~~of Education~~.

170 6. The name of the person using or assisting in the
171 restraint or seclusion of the student.

172 7. The name of any nonstudent who was present to witness
173 the restraint or seclusion.

174 8. A description of the incident, including:

175 a. The context in which the restraint or seclusion

176 | occurred.

177 | b. The student's behavior leading up to and precipitating
 178 | the decision to use ~~manual or physical~~ restraint or seclusion,
 179 | ~~including an indication as to why there was an imminent risk of~~
 180 | ~~serious injury or death to the student or others.~~

181 | c. The specific positive behavioral strategies used to
 182 | prevent and deescalate the behavior.

183 | d. What occurred with the student immediately after the
 184 | termination of the restraint or seclusion.

185 | e. Any injuries, visible marks, or possible medical
 186 | emergencies that may have occurred during the restraint or
 187 | seclusion, documented according to district policies.

188 | f. Evidence of steps taken to notify the student's parent
 189 | or guardian.

190 | (d)~~(e)~~ A school shall notify the parent or guardian of a
 191 | student each time ~~manual or physical~~ restraint or seclusion is
 192 | used. Such notification must be in writing and provided before
 193 | the end of the school day on which the restraint or seclusion
 194 | occurs. Reasonable efforts must also be taken to notify the
 195 | parent or guardian by telephone or ~~computer~~ e-mail, or both, and
 196 | these efforts must be documented. The school shall obtain, and
 197 | keep in its records, the parent's or guardian's signed
 198 | acknowledgment that he or she was notified of his or her child's
 199 | restraint or seclusion.

200 | (e)~~(d)~~ A school shall also provide the parent or guardian

201 with the completed incident report in writing by mail within 3
 202 school days after a student was ~~manually or~~ physically
 203 restrained or secluded. The school shall obtain, and keep in its
 204 records, the parent's or guardian's signed acknowledgment that
 205 he or she received a copy of the incident report.

206 (6) ~~(2)~~ MONITORING.—

207 (a) ~~Monitoring of~~ The use of ~~manual or~~ physical restraint
 208 or seclusion on students shall be monitored ~~occur~~ at the
 209 classroom, building, district, and state levels.

210 (b) Documentation prepared by a school pursuant to ~~as~~
 211 ~~required in~~ subsection (5) ~~(1)~~ shall be provided to the school
 212 principal, the district director of Exceptional Student
 213 Education, and the bureau chief of the Bureau of Exceptional
 214 Education and Student Services electronically each month that
 215 the school is in session.

216 (c) The department shall maintain aggregate data of
 217 incidents of ~~manual or~~ physical restraint and seclusion and
 218 disaggregate the data for analysis by school district ~~county~~,
 219 school of instruction, student exceptionality, and other
 220 variables, including the type and method of restraint or
 221 seclusion used. This information shall be updated monthly and
 222 made available to the public through the department's website
 223 beginning October 1, 2017.

224 (d) The department shall establish standards for
 225 documenting, reporting, and monitoring the use of ~~manual or~~

226 physical restraint or mechanical restraint, and occurrences of
 227 seclusion. These standards shall be provided to school districts
 228 ~~by October 1, 2011.~~

229 ~~(7)(3)~~ SCHOOL DISTRICT POLICIES AND PROCEDURES.—

230 (a) School districts shall develop policies to ensure the
 231 physical safety and security of all students and school
 232 personnel; and which treats all students with respect and
 233 dignity in an environment that promotes a positive school
 234 culture and climate. These ~~Each school district shall develop~~
 235 policies and procedures must be ~~that are~~ consistent with this
 236 section and ~~that~~ govern the following:

237 1. A description of escalating behavioral strategies that
 238 may be used.

239 2. Allowable use of physical restraint or seclusion on
 240 students.

241 ~~3.1.~~ Incident-reporting procedures.

242 ~~4.2.~~ Data collection and monitoring, including when,
 243 where, and why students are restrained or secluded; the
 244 frequency of occurrences of such restraint or seclusion; and the
 245 prone or mechanical restraint that is most used.

246 ~~5.3.~~ Monitoring and reporting of data collected.

247 ~~6.4.~~ Training programs and procedures relating to ~~manual~~
 248 ~~or~~ physical restraint and seclusion.

249 ~~7.5.~~ The district's plan for selecting personnel to be
 250 trained.

251 ~~8.6.~~ The district's plan for reducing the use of restraint
 252 and seclusion particularly in settings in which it occurs
 253 frequently or with students who are restrained repeatedly, and
 254 for reducing the use of prone restraint and mechanical
 255 restraint. The plan must include a goal for reducing the use of
 256 restraint and seclusion and must include activities, skills, and
 257 resources needed to achieve that goal. Activities may include,
 258 but are not limited to:

- 259 a. Additional training in positive behavioral support and
- 260 crisis management;
- 261 b. Parental involvement;
- 262 c. Data review;
- 263 d. Updates of students' functional behavioral analysis and
- 264 positive behavior intervention plans;
- 265 e. Additional student evaluations;
- 266 f. Debriefing with staff;
- 267 g. Use of schoolwide positive behavioral ~~behavior~~ support;
- 268 and
- 269 h. Changes to the school environment.

270 9. Analysis of data to determine trends.

271 10. Ongoing reduction of the use of physical restraint and
 272 seclusion.

273 (b) Any revisions a school district makes to its ~~to the~~
 274 ~~district's~~ policies and procedures, which are ~~must be~~ prepared
 275 as part of the school district's ~~its~~ special policies and

276 | procedures, must be filed with the bureau chief of the Bureau of
 277 | Exceptional Education and Student Services ~~no later than January~~
 278 | ~~31, 2012.~~

279 | ~~(4) PROHIBITED RESTRAINT. School personnel may not use a~~
 280 | ~~mechanical restraint or a manual or physical restraint that~~
 281 | ~~restricts a student's breathing.~~

282 | ~~(5) SECLUSION. School personnel may not close, lock, or~~
 283 | ~~physically block a student in a room that is unlit and does not~~
 284 | ~~meet the rules of the State Fire Marshal for seclusion time-out~~
 285 | ~~rooms.~~

286 | Section 2. Subsections (1) and (2) of section 1012.582,
 287 | Florida Statutes, are amended to read:

288 | 1012.582 Continuing education and inservice training for
 289 | teaching students with developmental and emotional or behavioral
 290 | disabilities.-

291 | (1) The Commissioner of Education shall develop
 292 | recommendations to incorporate instruction regarding autism
 293 | spectrum disorder, Down syndrome, ~~and~~ other developmental
 294 | disabilities, and emotional or behavioral disabilities into
 295 | continuing education or inservice training requirements for
 296 | instructional personnel. These recommendations shall address:

297 | (a) Early identification of, and intervention for,
 298 | students who have autism spectrum disorder, Down syndrome, ~~or~~
 299 | other developmental disabilities, or emotional or behavioral
 300 | disabilities.

301 (b) Curriculum planning and curricular and instructional
302 modifications, adaptations, and specialized strategies and
303 techniques.

304 (c) The use of available state and local resources.

305 (d) The use of positive behavioral supports to deescalate
306 problem behaviors.

307 (e) Appropriate use of ~~manual~~ physical restraint and
308 seclusion techniques and effective classroom behavior management
309 strategies, including, but not limited to, differential
310 reinforcement, precision commands, minimizing attention or
311 access to other reinforcers, and time-out methods.

312 (2) In developing the recommendations, the commissioner
313 shall consult with the State Surgeon General, the Director of
314 the Agency for Persons with Disabilities, representatives from
315 the education community in the state, and representatives from
316 entities that promote awareness about autism spectrum disorder,
317 Down syndrome, ~~and~~ other developmental disabilities, and
318 emotional or behavioral disabilities and provide programs and
319 services to persons with ~~developmental~~ disabilities, including,
320 but not limited to, regional autism centers pursuant to s.
321 1004.55.

322 Section 3. This act shall take effect July 1, 2017.